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Amit Shachak

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EXAMINER

FIGUEROA, MARISOL

ART UNIT

PAPER NUMBER

2617

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DELIVERY MODE

03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,173	Applicant(s) SHACHAK, AMIT	
	Examiner Marisol Figueroa	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,7,8,10-13 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,10-13 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/2008 has been entered.

Response to Arguments

2. Applicant's arguments filed on with respect to claims 1-3, 7-8, 10-13, and 18-23 have been considered but they are not persuasive.

The Applicant argues that there is no reason for combining the publications of Okkonen and Childs, as both reference disclose system with different purposes and goals (pages 8-9 of Applicant's arguments); the examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both references have in common a system that allows the transmission of data from user devices to a server which stores the data.

Furthermore, the Applicant argues that Childs fails to cure the deficiencies of Okkonen because Childs does not disclose, teach, or suggest comparing configuration data to a range of values for determining whether the configuration data transmitted to the server is invalid. These arguments have been considered by the examiner but are moot in view of new ground(s) of rejection. See rejection below.

Claim Objections

3. Claim 22 are objected because of the following informalities:

(a) The last claim should apparently be renumbered to claim "23". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 7, 8, 11, 12, 18, and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over OKKONEN et al. (US 2004/0166839) in views of CHILDS et al. (US 2002/0107868) and STAAS, Jr. et al. (US 5,125,091).

Regarding claim 1, Okkonen discloses a method of updating database records associated with configuration data stored in a memory being part of at least one mobile device in a mobile communication network, the method comprising:

determining whether configuration data stored in said memory has been modified by a user of the mobile device by comparing new configuration data within said mobile device with old configuration data stored within said memory (p.0036, lines 7-12; p.0040; p.0038; p.0056-0057; an agent in the electronic device determines when a SIM card within the mobile device has changed (i.e., modification in configuration of mobile device) and detects the change by comparing the SIM card information read from the currently available SIM card (i.e., new configuration within said mobile) to SIM card information stored in non-volatile memory of the electronic device (i.e., old configuration stored in the memory of the mobile device)); and

transmitting the new configuration data to a server system for updating respective records of a database in the mobile communication network, in response to the configuration data being modified in the mobile device (p.0037-0038; p.0039, lines 1-6; p.0048, lines 1-5; p.0049; the agent of the electronic device reports the changes of information contained in the SIM card to a service coordinator (i.e. server system) which saves the changes, to information contained in the SIM card, in its database and the database is updated), wherein the updating of the respective records of the database comprises:

comparing the received configuration data with the respective records of the database; in response to determining that the received configuration data is different than that stored in the respective records of the database, updating the database by replacing at least one record in the database based on the modified configuration data (p.0059, lines 1-4; p.0039, lines 1-6; p.0049, lines 1-7; the SIM card change information is communicated to the service coordinator when it is determined that the SIM card has changed and the database of the service coordinator is updated, it is inherent the records of the database are check against the information received to update the

database), such that a customer service agent can access the updated database records to determine the mobile device's configuration for trouble shooting purposes (p.0060, lines 14-16; the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as "statements of intended use" (i.e., "such that", "for trouble shooting purposes"; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

But, Okkonen does not particularly disclose comparing the configuration data to a range of values to determine whether the configuration data transmitted to the server is invalid; and generating an alert to notify at least one of a subscriber and a support representative, in response to determining the configuration data is invalid.

However, Childs teaches determining whether data transmitted to a server for storage in a database is invalid and generating an alert to notify at least one of a subscriber and a support representative, in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. "RAM data", from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data, if valid, automatically stores the data in a database, but when the data is invalid the server computer sends an error message (i.e., alert) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Okkonen to include the step of determining whether data transmitted to the server (i.e.,

configuration data) is invalid and generating an alert when the data is invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

But, the combination of Okkonen and Childs does not particularly disclose wherein the data is compared to a range of values to determine whether the data is invalid.

However, Staas teaches comparing data with a range of values to determine whether data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with a range of values to determine whether the data is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

Regarding claim 2, the combination of Okkonen, Childs, and Staas disclose the method of claim 1, in addition Okkonen discloses further comprising: transmitting the configuration data to the server in real time (p.0038; the agent reports the changes of SIM card to the service coordinator as they are detected, i.e. real time).

Regarding claim 7, the combination of Okkonen, Childs, and Staas disclose the method of claim 1, in addition Childs discloses correcting the configuration data in response to determining the configuration data is invalid (paragraph [0018], lines 28-end; Childs teaches that when the server determines that the data is invalid, the sever sends an error message to the data sending client so that the user can correct the error). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to include correcting the data

in response to determining the data is invalid, as suggested by Childs, in order to assure the quality of the data that will be stored in the server database.

Regarding claim 8, the combination of Okkonen, Childs, and Staas disclose the method of claim 1, in addition Childs discloses further comprising: correcting the configuration data by one of remote signal transmission, allowing the subscriber to reenter the data or restore the system setting to a default or previous values, or making a decision by the customer service representative on how to solve the problem associated with invalid data based on the alert and the update configuration data stored in a database (paragraph [0018], lines 28-end; Childs teaches that when the server determines that the data is invalid, the sever sends an error message to the data sending client so that the user (i.e., subscriber) can correct the error).

Regarding claim 11, Okkonen discloses a system for updating database records associated with configuration data stored in a memory being part of a mobile device(s) in a mobile communication network, the system comprising;

a comparator for determining whether the configuration data stored in said memory has been modified by a user of the mobile device by comparing new configuration data within said mobile device with old configuration data stored within said memory ((p.0036, lines 7-12; p.0040; p.0038; p.0056-0057; an agent in the electronic device determines when a SIM card within the mobile device has changed (i.e. modification in configuration of mobile device) and detects the change by comparing the SIM card information read from the currently available SIM card (i.e., new configuration within said mobile) to SIM card information stored in non-volatile memory of the electronic device (i.e., old configuration stored in the memory of the mobile device));

a transmitter for transmitting the new configuration data to a server system in the mobile communication network for updating respective records of a database, in response to the new configuration data being modified in the mobile device (p.0037-0038; p.0039, lines 1-6; p.0048, lines 1-5; p.0049; the agent of the electronic device reports the changes of information contained in the SIM card to a service coordinator, i.e. server system, which saves the changes in its database, and updates the database, furthermore, it is inherent that the portable device includes a transmitter for reporting or otherwise transmit the SIM card changes to the service coordinator),

means for updating the database by replacing at least one record in the database based in the modified configuration data (p.0059, lines 1-4; p.0039, lines 1-6; p.0049, lines 1-7; the SIM card change information is communicated to the service coordinator when it is determined that the SIM card has changed and the database of the service coordinator is updated),

such that a customer agent can: access the updated database records to determine the mobile device's configuration for trouble shooting purposes (p.0060, lines 14-16; the system has the capability to be used for trouble shooting purposes, furthermore, the language used by the applicant merely suggests or makes optional those features described as "statements of intended use" (i.e., "such that", "for trouble shooting purposes"; such language does not require the steps to be performed or does not limit the scope of a claim limitation, MPEP § 2106 (c), 2111.04).

But, Okkonen does not particularly disclose a comparator for comparing the received configuration data with the respective records of the database to determine whether the configuration data transmitted to the server is invalid; means for generating an alert to notify at least one of a subscriber and a support representative, if it is determined that the configuration data is invalid.

However, Childs teaches determining whether data transmitted to a server for storage in a database is invalid and generating an alert to notify at least one of a subscriber and a support representative, in response to determining that the data is invalid (Abstract; paragraph [0018]; Childs teaches a method and system for collecting data, e.g. "RAM data", from distributed locations and transmitting the data to a server computer for storage, the data can be collected on periodic basis and the collected data is transmitted to a server computer, when the server computer receives the data, it validates the data, if valid, automatically stores the data in a database, but when the data is invalid the server computer sends an error message (i.e., alert message) to the sending client (i.e., subscriber) so that the error can be corrected). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to modify Okkonen to include the step of determining whether data transmitted to the server is invalid and generating an alert (i.e., error message) when the data is invalid, as suggested by Childs, in order to correct errors in the data deemed to be invalid and assuring the quality (e.g. validity) of the data that will be stored in the server database.

But, the combination of Okkonen and Childs does not particularly disclose wherein the data is compared with respective records to determine whether the data is invalid.

However, Staas teaches comparing data with a range of values to determine whether data is valid or not (col. 6, lines 3-7; Staas teaches that a well known method of validation of data is for example, comparing input data with ranges, a list of valid values). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include comparing data with respective records to determine whether the data

is invalid, as suggested by Staas, since this is a standard technique that can reduce the probability that invalid data is used in the system.

Regarding claim 12, the combination of Okkonen, Childs, and Staas disclose the system of claim 11, in addition Okkonen discloses wherein the transmitter transmits the configuration data to the server system in real time (p.0038; the agent reports the changes of SIM card to the service coordinator as they are detected, i.e. real time).

Regarding claim 18, the combination of Okkonen, Childs, and Staas disclose the system of claim 11, in addition Childs discloses further comprising means for correcting the configuration data, when the configuration data is invalid (paragraph [0018], lines 28-end; Childs teaches that when the server determines that the data is invalid, the sever sends an error message to the data sending client so that the user can correct the error). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to include correcting the data in response to determining the data is invalid, as suggested by Childs, in order to assure the quality of the data that will be stored in the server database.

Regarding claim 19, the combination of Okkonen, Childs, and Staas disclose the system of claim 11, in addition Childs discloses wherein the configuration data is corrected by one of remote signal transmission, allowing the subscriber to reenter the data or restore the system setting to a default or previous values, or making a decision by the customer service representative on how to solve the problem associated with invalid data based on the alert and the update configuration data stored in a database (paragraph [0018], lines 28-end; Childs teaches that when the server determines that the data is invalid, the sever sends an error message to the data sending client so that the user (i.e., subscriber) can correct the error).

6. **Claims 3, 13, 21, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over OKKONEN et al. in views of CHILDS et al., STAAS, Jr. et al., and ROTH et al. (US 2005/0164692).

Regarding claim 3, the combination of Okkonen, Childs, and Staas disclose the method of claim 1, but the combination does not expressly disclose transmitting the configuration data to the server system within a predetermined time period, if it is determined that the configuration data is modified in the mobile device. However, in a related field of endeavor Roth teaches a method of wirelessly transmitting changes of user-configurable customization by a user of a mobile communication device to a remote server when detecting the user-configurable customization of any of the applications has changed since an earlier time, i.e. the updated database entries are transmitted at a predetermined time (abstract; p.0008, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to one having ordinary skill in the art, to modify the combination to schedule at a predetermined times the transmission of the configuration data to the server, as suggested by Roth, because scheduling of a data transfer to a server would ideally take place during a time period when the user is not using the device so as not to interfere with normal use.

Regarding claim 13, the combination of Okkonen, Childs, and Staas disclose the system of claim 11, but the combination does not expressly disclose transmitting the configuration data to the server system within a predetermined time period, if it is determined that the configuration data is modified in the mobile device. However, in a related field of endeavor Roth teaches a method of wirelessly transmitting changes of user configurable customization by a user of a mobile communication device to a remote server when detecting the user-configurable

customization of any of the applications has changed since an earlier time, i.e. the updated database entries are transmitted at a predetermined time (abstract; p.0008, lines 1-18). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to one having ordinary skill in the art, to modify the combination to schedule at a predetermined times the transmission of the configuration data to the server, as suggested by Roth, because scheduling of a data transfer to a server would ideally take place during a time period when the user is not using the device so as not to interfere with normal use.

Regarding claims 21 and 23, the combination of Okkonen, Childs, and Staas disclose the system of claim 11 and method of claim 1, but the combination does not particularly disclose wherein the configuration data comprises at least one of user related information, ring tones, display color, contact information, calendar items, and user preferences.

However, Roth teaches transmitting changes to configuration data of a mobile device to a remote server, the configuration data comprising at least one of user related information, ring tones, display color, contact information, calendar items, and user preferences (Abstract; paragraphs [0005]-[0006]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to include wherein the configuration data comprises at least one of user related information, ring tones, display color, contact information, calendar items, and user preferences, as suggested by Roth, in order to back up in a server valuable information stored at the mobile device.

7. **Claims 10 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over OKKONEN et al. in views of CHILDS et al., STAAS, Jr. et al., and HILTUNEN et al. (US 2004/0042604).

Regarding claim 10, the combination of Okkonen, Childs, and Staas, disclose the method of claim 1, but the combination does not expressly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

However, Hiltunen teaches that a SIM card stores information used by the microprocessor to enable the telephone to communicate on the appropriate network, other data stored may be used to for example to control, or modify the operation of the mobile telephone (i.e., configuration data). And such information stored comprises subscriber related data, e.g., subscriber number, system ID, system channel scan data and serial number (p.0033). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a SIM card comprises configuration data, e.g., such as system identification, as taught by Hiltunen, because data stored in the SIM card (e.g., system ID) enables the telephone to communicate on the appropriate network and also to control or modify the operation of the telephone (p.0033, lines 21-26).

Regarding claim 20, the combination of Okkonen, Childs, and Staas, disclose the system of claim 11, but the combination does not expressly disclose wherein the configuration data comprises at least one of an access point name (APN), a web gateway internet protocol (IP) address, a short messaging service center (SMSC), system identification code (SID), system dependent information, and communication environment dependent information.

However, Hiltunen teaches that a SIM card stores information used by the microprocessor to enable the telephone to communicate on the appropriate network, other data

stored may be used to for example modify the operation of the mobile telephone (i.e., configuration data). And such information stored comprises subscriber related data, e.g., subscriber number, system ID, system channel scan data and serial number (p.0033). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention, to recognize that a SIM card comprises configuration data, e.g., as system identification, as taught by Hiltunen, because data stored in the SIM card (e.g., system ID) enables the telephone to communicate on the appropriate network and also to control or modify the operation of the telephone (p.0033, lines 21-26).

8. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over OKKONEN et al. in views of CHILDS et al., STAAS, Jr. et al., and LEVIN et al. (US 2002/0128908).

Regarding claim 22, the combination of Okkonen, Childs, and Staas, disclose the method of claim 1, but the combination does not particularly disclose further comprising determining the subscriber's profile for research or marketing purposes, wherein the profile is determined with the user's permission.

However, Levin teaches determining subscriber's profile for research or marketing purposes, wherein the profile is determined with the user's permission (Abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention, to modify the combination to further include the step of determining subscriber's profile for research or marketing purposes, wherein the profile is determined with the user's permission, as suggested by Levin, in order to precisely direct marketing campaigns to receptive audiences.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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